



MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER BUREAU

<http://michigan.gov/deq>REQUEST FOR fee appeal pursuant to 324.3118 COVERAGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
STORM WATER DISCHARGES FROM MS4s

By Authority of Act 451, PA 1994, Part 31

DEQ only do not write in this space

Submission of this request provides baseline information for determining which areas in the municipality identified below need to have permit authorization for storm water discharges associated with a Municipal Separate Storm Sewer System (MS4) in Michigan.

SECTION I**OWNER/PERMITEE INFORMATION**

MUNICIPALITY NAME

ADDRESS 1

ADDRESS 2

CITY

STATE

ZIP CODE

CONTACT PERSON

CONTACT PERSON TELEPHONE)

THIS FACILITY HOLDS EXISTING NPDES PERMIT:

Please list any other NPDES number(s):

CERTIFICATION

State of Michigan regulations require this form be signed as follows:

Municipal, state, or other public facility: by a principal executive officer, the mayor, village president, city or village manager, township supervisor, or other duly authorized employee.

I certify under penalty of law that I have read and understand the requirements of this form.

I certify, under penalty of law, that this document and all attachments were prepared by me, or under my direction or supervision in accordance with a system to assure qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed name:

Title:

Signature:

Date:

PLEASE RETURN THIS COMPLETED FORM (front and back), AND ANY ATTACHMENTS, TO:

Michigan Department of Environmental Quality**Water Bureau, Permits Section****P.O. Box 30273****Lansing, Michigan, 48909****NOTE:** There are TWO pages to complete this fee appeal. Please make sure that both the front and back of this form have been completed prior to submitting.

SECTION II

CHECK THE APPROPRIATE BOXES IN THE TABLE BELOW AND PROVIDE A MAP, ADDRESS, AND LOCATION DESCRIPTION FOR STORM WATER INFRASTRUCTURE THAT MEETS ANY OF THE FOLLOWING CRITERIA:"

Infrastructure that serves properties you own or operate. Consider the following example properties: police or fire station(s), library(ies), administration building(s) (e.g., city or township hall), public works facility(ies) such as maintenance garages or storage yards, park(s), or cemetery(ies), waste disposal areas or unregulated landfills/dumps, open or vacant land, or any other type of property you maintain (describe).

Infrastructure that you own or operate which serves properties owned or operated by someone else.

Infrastructure you operate on behalf of any MS4s owned or operated by other public entities; aka, nested jurisdictions. Identify the nested jurisdictions on the map of your properties and provide location addresses.

1. Storm water infrastructure:	Check if the applicant owns or operates	Check if the infrastructure discharges directly or through someone else's MS4 to a surface water of the state
Roads (paved or unpaved)	<input type="checkbox"/>	<input type="checkbox"/>
Catch basins	<input type="checkbox"/>	<input type="checkbox"/>
Curbs and gutters	<input type="checkbox"/>	<input type="checkbox"/>
Parking lots	<input type="checkbox"/>	<input type="checkbox"/>
Ditches	<input type="checkbox"/>	<input type="checkbox"/>
Conduits	<input type="checkbox"/>	<input type="checkbox"/>
Storm water pumping devices	<input type="checkbox"/>	<input type="checkbox"/>
Man-made channels	<input type="checkbox"/>	<input type="checkbox"/>

APPENDIX A

DEFINITIONS

“Nested Jurisdiction” means a public body other than a city, village, or township, which owns or operates a separate storm sewer system. Nested jurisdictions may include, but are not limited to, school districts, public colleges and universities, or county, state, and federal agencies. The term “nested” means that it is nested within the larger jurisdiction of a city, village, or township.

“Separate storm sewer” means a conveyance or system of conveyances designed or used for collecting or conveying storm water;

(i) Which is not a combined sewer; and

(ii) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

MS4 FLOW CHART

If the answer is yes, proceed to the next question. If the answer is no, an MS4 NPDES permit is not needed. References are from the Part 21 rules; R 323.2101 through 2197.

i. Is the discharge storm water?

2104(t) **“Storm water”** means storm water runoff, snow melt runoff, and surface runoff and drainage.

ii. Does the discharge go through a “separate storm sewer system”?

2104(m) **“Separate storm sewer system”** means a system of drainage, including, but not limited to, roads, catch basins, curbs, gutters, parking lots, ditches, conduits, pumping devices, or man-made channels, which has the following characteristics:

(i) The system is not a combined sewer where storm water mixes with sanitary wastes.

(ii) The system is not part of a publicly owned treatment works.

iii. Is the “separate storm sewer” owned or operated by a municipality?

2103(o) **“Municipal separate storm sewer system”** or **“MS4”** means all separate storm sewers that are owned or operated by the United States, a state, city, village, township, county, district, association, or other public body created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law, such as a sewer district, flood control district, or drainage district, or similar entity, or a designated or approved management agency under Section 208 of the federal act that discharges to waters of the state. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

iv. Does the MS4 discharge to surface waters?

2104(i) **“Regulated MS4”** means an MS4 that is required to have a national permit to discharge storm water into surface waters of the state pursuant to R 323.2161(c), (d), (e), or (f).

v. Does the storm water flow from an “urbanized area”?

2104(x) "**Urbanized area**" means a place and the adjacent densely-populated territory that together have a minimum population of 50,000 people, as defined by the United States Bureau of the Census and as determined by the latest available decennial census.

2161(1) A person who discharges storm water that is subject to regulation pursuant to the provisions of section 402(p) of the federal act and the corresponding regulations promulgated in 40 C.F.R. §122.26 (2000) shall apply for or obtain a national permit if the person has, will have, or operates any of the following:

(c) An MS4 located in an **urbanized area**, except those exempted through cooperation with a permitted MS4 owner or operator under R 323.2161(2). **Only storm water that flows from within the urbanized area is regulated.**

NOTE: Paragraphs (d), (e), and (f) identify pollution concerns under which the Department of Environmental Quality may designate the need for MS4 discharge authorization outside of an urbanized area.

vi. Is the separate storm sewer system such that it is not in a very discrete area, such as an individual building? (See iii. above)

Please note the following definitions:

Discrete: apart or detached from others; separate; distinct

Area: a geographical region: tract

General guidance regarding Very Discrete Areas:

Very discrete areas involve separate storm sewers such as those associated with individual buildings. This would generally include the associated parking lot and limited access roads, and small drainage systems associated with individual buildings, but may also include separate storm sewers associated with areas without buildings, such as cemeteries and parks. This does not include separate storm sewers associated with multiple buildings, or larger buildings and complexes, or large drainage systems. The decisions made involving very discrete areas only relate to the decision as to whether a permit is needed by a municipality. Once the decision is made that a permit is needed, then all separate storm sewers owned and/or operated by the municipality within an urbanized area would be covered by the permit.

For example, if a municipality has a system of drainage that serves a small library within the urbanized area that fits the criteria for a very discrete area, but elsewhere in the urbanized area they operate a system of drainage that is not a very discrete area and which requires a permit (e.g. roads, ditches, conduits, pumping devices, or man-made channels), then their total system of drainage serves more than a very discrete area and their permit covers all the storm sewers they operate, including those serving the library site.

In general, there are three types of situations to consider: (A) a separate storm sewer associated with an individual building or properties such as cemeteries and parks, (B) a separate storm sewer system associated with a large complex, and (C) separate storm sewers associated with two or more buildings where the buildings are not contiguous.

Situation A: If the separate storm sewer is associated with an individual building, can be determined to be distinct, and is the only separate storm sewer that the municipality owns and/or operates, then this would be a very discrete area. If this determination is made, then the municipality does not need permit coverage. This example is limited to an individual building and associated separate storm sewer in a separate storm sewer system, or such similar separate storm sewer situation. Small out buildings that serve an individual building (e.g. a small shed) may be considered as part of the individual building. If a temporary or portable building is added to a single building site without changing the separate storm sewer or the runoff characteristics of the site, it could still be determined a single building site on a case by case basis.

If in addition to the individual building, there are other systems of drainage owned or operated by the particular municipality in question that require a permit by themselves, such as roads, ditches, conduits, pumping devices, or man-made channels, then their individual building would not be a very discrete area because it would be covered under the permit that is already needed.

Situation B: If the separate storm sewer is associated with a multiple building site, a large complex, or large drainage systems, then this would not be considered a very discrete area, and the municipality would need permit coverage. Complexes may include sites without buildings, such as extensive parks, recreational complexes, or cemeteries, if they have multiple areas for public use which are served by separate storm sewers. These must be evaluated on a case by case basis. Once the need for permit coverage is established, then all of the separate storm sewers owned and/or operated by that municipality would be covered by the permit.

Situation C: If there are two or more separate storm sewers that each are associated with an individual building in a municipality's urbanized area, this situation needs to be considered on a case by case basis. It is considered allowable to have more than one very discrete area in a municipality's urbanized area. However, if these individual areas function like a complex, then they will not be considered very discrete areas.

The factors to consider when making this case by case determination include the proximity of each of the separate storm sewers and buildings involved, the size of each building and separate storm sewer involved, the interaction between the buildings and separate storm sewers (including personnel interaction between the buildings), and other factors pertinent to the particular situation. In some cases, it will be clear that these are very discrete areas, while in others, it will be clear that these are functioning like a complex and require permit coverage. In all cases, it is important to use best professional judgment as to the nature of the storm sewer and conveyance system.

Case by case determinations will also be needed for larger single buildings. Factors to consider in this case include whether the site operates similar to a complex, the type of activities at the site, and the need for storm water pollution controls.